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8 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
9 AT TACOMA

10 RONALD HOLTZ,

11 Plaintiff,

12 v.

13 NURSE JANE DOE TERRY et al.,

14 Defendant.

CASE NO. C12-5110 RBL-JRC

ORDER DENYING PLAINTIFF'S  
MOTION FOR APPOINTMENT OF  
COUNSEL

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16 The District Court has referred this action to the undersigned Magistrate Judge pursuant  
17 to 28 U.S.C. § 636(b) (1) (A) and (B), and local Magistrate Judge Rules MJR3 and MJR4.

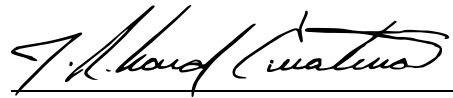
18 Plaintiff objects to the Court considering this action as a civil rights action and argues that this is  
19 a declaratory judgment action brought pursuant to 28 U.S.C. § 2201 (ECF No. 9). The Court  
20 entered an order to show cause (ECF No. 17). Plaintiff now asks for appointment of counsel  
21 (ECF No. 15).

22 There is no right to appointment of counsel in civil cases. The Court may appoint counsel  
23 only in exceptional circumstances. Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th Cir. 1986);  
24 Franklin v. Murphy, 745 F.2d 1221, 1236 (9th Cir. 1984); Aldabe v. Aldabe, 616 F.2d 1089 (9th

1 Cir. 1980). A finding of exceptional circumstances requires an evaluation of both the likelihood  
2 of success on the merits and the ability of plaintiff to articulate his claims pro se in light of the  
3 complexity of the legal issues involved. Wilborn, 789 F.2d at 1331.

4 Plaintiff's pleadings are clear and concise. Plaintiff's pleadings contain proper citations to  
5 authority. This does not mean that plaintiff's claims are necessarily well founded, but he seems  
6 capable of clearly articulating them. The motion is DENIED.

7 Dated this 27th day of April, 2012.

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10 J. Richard Creatura  
United States Magistrate Judge